

REMARKS

The Examiner objected to claim 24 because of an informality. The claim has been amended to cure the defect.

Claims 1-4, 7-9, 14-29, 31-33, and 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,401,220 to Grey *et al.* Applicant traverses the rejection.

In the current office action, the Examiner presents two re-interpretations of Grey. First, the Examiner points to column 20, lines 58-65 and identifies the **sequence developer** of Grey as the user recited in the claim, and identifies the **user** of Grey as the designer recited in the claim. Second, the Examiner points to column 20, line 66 to column 31, line 7 as suggesting that Grey considers two different types of "users", one type of user, U1, being prevented from "changing the values of specific instance properties in the steps they create" by the other type of user, U2, suggesting that the Examiner is also interpreting U1 of Grey as the user recited in the claim and U2 of Grey as the designer recited in the claim. Applicant assumes that the Examiner is interpreting user U1 as being synonymous with the sequence developer, and will respond accordingly.

Rewriting the claim language to correspond to the Examiner's current interpretation of Grey, claims 1 and 21 would require that the sequence developer be prevented from modifying the measurement process other than through the sequence developer-defined variation function, said sequence developer being different from the user of the computer program. The Examiner points to column 32, lines 14-16 and column 34, lines 15-40 as providing this teaching.

The first passage cited teaches that the sequence developer is prevented from modifying a module call, (which specifies which module adapter (LabVIEW, C/CVI etc) is called if the user enables a particular checkbox in the Disable Properties tab. Hence, to the extent that the specification of a module adapter may be construed as part of the measurement process, the first passage may be taken as teaching that the sequence developer may be prevented from modifying the measurement process. However, the passage does not teach

that the sequence developer is nevertheless **allowed to modify** the specification of a module adapter **through the sequence developer defined variation function**.

The second passage cited by the Examiner teaches that the sequence developer may be prevented from modifying settings of other built-in instance properties in individual steps if the user checks the other corresponding checkboxes in the Disable Properties tab. Hence, to the extent that the settings of built-in instance properties may be construed as part of the measurement process, the second passage may also be taken as teaching that the sequence developer may be prevented from modifying the measurement process. However, the passage does not teach that the sequence developer is nevertheless allowed **to modify** these settings **through the sequence developer defined variation function**. Hence, Applicant submits that Grey does not anticipate claims 1, 21, and the claims dependent therefrom.

Claims 2 and 31 depend from claims 1 and 21 respectively and further require that the process modification software module further comprise an interface servicing element that services an interface realized by the measurement process. The Examiner points to column 12, lines 41-48, column 13, lines 50-62, and column 15, lines 15-17 for the additional teachings.

The first passage cited teaches that the external code modules identified by the Examiner as process modification software modules are steps within sequences. Figure 2, associated with the first cited passage shows that the sequence files/external code modules are called up through the adapters 240. The only interface servicing element discussed in the passage is the adapter interface 232, which Figure 2 shows as the element linking the TestStand Engine 220 and the adapters 240. Hence, interface 232 is clearly not part of the sequence files/external code modules.

The second passage cited by the Examiner discusses the module adapters 240, suggesting that the Examiner may be identifying these as the interface servicing elements recited by the claims. However, Figure 2 also shows that adapters 240 may connect to the sequence files, but are not part of those files.

Applicant is unsure of the relevance of the third cited passage, as it does not appear to

concern either the sequence files or any interface servicing element. Hence, Applicant submits that there are additional grounds for allowing claims 2, 31 and the claims dependent therefrom.

Claims 3 and 32 depend from claims 2 and 22 respectively, and further require that said interface operates in accordance with a predetermined protocol. The Examiner points to column 12, lines 41-48, column 13, lines 50-62, and column 15, lines 15-17 as providing the additional teaching. At most, the cited passages concern different types of code modules and corresponding compilers but do not teach predetermined protocols for interfaces. Hence, there are additional grounds for allowing claims 3, 32 and the claims dependent therefrom.

Claims 4 and 33 depend from claims 3 and 32 respectively and further require that said predetermined protocol is specified at a binary level. The Examiner points to column 12, lines 41-48, column 13, lines 50-62, and column 15, lines 15-17 for the additional teaching. At most, the third cited passage teaches that binary values may be used as properties in the expressions used within the code modules. Hence, there are additional grounds for allowing claims 4 and 33.

Claim 7 depends from claim 2 and further requires that the interface has an identity which is determined by, according to the Examiner's interpretation, the sequence developer, and passed into the measurement process. The Examiner points to column 12, lines 41-48, column 13, lines 50-62, and column 18, lines 4-16 and 28-37 for the additional teaching. At most, the cited passages teach that the identity of the type of external code module may be passed to the TestStand Engine using module adapters 240. This is not equivalent to teaching that the identity of any interface is passed into the measurement process. Hence, there are additional grounds for allowing claim 7.

Claim 36, which depends from claim 21, has additional requirements similar to those of claim 7 regarding the identity of the interface. The Examiner points to the same passages in Grey discussed above with respect to claim 7. Applicant must repeat the arguments presented above, that the teachings regarding the external code module are not equivalent to teachings regarding any interface. Hence, there are additional grounds for allowing claim 36.

Claims 19 and 20 depend from claim 1 and further require that each of a plurality of variation points in the computer program be associated with one of a plurality of user-defined functions in the process modification software module. The Examiner points to column 13, lines 16-25 and 32-44, column 14, lines 52-65, column 18, lines 28-37 and 49-54, and column 33, lines 38-46 as providing the additional teachings. The cited passages teach the possibility of multiple concurrent executions of a sequence, of setting breakpoints, of calling the Engine API from a plurality of test modules, of accessing variables, of calling one sequence from another, and of specifying step properties. However, there is no teaching in any of the cited passages regarding the association of each of a plurality of variation points with one of a plurality of user-defined functions, as required by the claims. Hence, Applicant submits that there are additional grounds for allowing claims 19 and 20.

Claim 38, which depends from claim 21, has additional requirements similar to those of claims 19 and 20 regarding a plurality of function call instructions passing control to a plurality of user-generated variation functions. The Examiner points to the same passages in Grey discussed above with respect to claims 19 and 20. Applicant submits that there is no teaching in the cited passages regarding a plurality of function call instructions passing control to a plurality of user-generated variation functions. Hence, there are additional grounds for allowing claim 38.

Claims 5, 6, 10-13, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grey in view of U.S. Patent Application Publication No. 2002/0026514 to Ellis *et al.* Applicant traverses the rejection.

The Examiner states that Grey teaches all of the limitations of the base claim 1, from which claims 5, 6, and 10-13 depend, and of claim 21, from which claims 34 and 35 depend. The Examiner looks to Ellis for the additional teachings regarding the use of two different computers to carry out the measurement and process modification, or the use of a Simple Object Access Protocol or Common Object Request Broker Architecture protocol by an interface realized by the measurement process. The Examiner maintains that it would have been obvious to specify “that the measurement and process modification be carried out using two separate computers communicating using a Simple Object Access Protocol or

Common Object Request Broker Architecture protocol.....(*to provide*) improved analysis and control of the system of Grey by allowing input and diagnostics by a larger variety of users through remote access while reducing the burden of a user to be local to a UUT during testing (0005, lines 1-33 and 0008, lines 1-14)’’.

As noted above with respect to claims 1 and 21, Grey does not teach the claim limitation specifying, given the Examiner’s interpretation of the sequence developer of Grey, that modification of the measurement process must be allowed through the sequence developer defined variation function, even though such modification is otherwise prevented. Ellis does not provide the missing teachings. Hence, Applicant submits that the Examiner has failed to make a *prima facie* case for obviousness with respect to claims 5, 6, 10-13, 34 and 35.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Calvin B. Ward". The signature is fluid and cursive, with the first name "Calvin" being more prominent.

Calvin B. Ward
Registration No. 30,896
Date: September 25, 2008

Agilent Technologies, Inc.
Legal Department, M/S DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599
Telephone (925) 855-0413
Telefax (925) 855-9214